

**WASHINGTON COUNTY COMMISSION**  
**MEETING MINUTES**  
**APRIL 3, 2012**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on April 3, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Gardner led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment from March 21, 2012, through April 3, 2012
- Consideration of Regular Commission Meeting Minutes of February 7, 2012, and February 21, 2012; and Special Commission Meeting Minutes of March 9, 2012
- Consideration of Applications for Property Tax Abatement (7)  
Cecilia Chavez, S/N SG-PAV-B-54; Jacqueline Smothers, S/N SG-HATS-4-49; Rodney Fernandes, S/N BRR-1-15-NS; John Hunter, S/N SG-BLH-6-27; Gloria Jensen, S/N SG-SUP-18-30; Adonica Scott, S/N LV-ZVES-1-169; Roger Miller, S/N SG-ME-1-58
- Consideration of Applications for Settlement or Deferral of Property Taxes (15)  
Shawna Cox, S/N E-EVVE-55; Joanne Moore, S/N AV-AVR-1-12; Walter & Rachel Webb, S/N H-3-2-10-2312; Frederick Lloyd, S/N NEH-1-5-4-NS; Herbert & Bernardine Tsosie, S/N W-BV-5-565; Brad & Kyle Hafen and Elwin Prince, S/N LV-NVCP-1-B; Kenneth & Sandra Oliver, S/N LV-SBE-3; Karl Prisbrey, S/N I-CCL-22B-3; Scott Worthington, S/N I-CCL-23A-5; Kevin Brooks, S/N SG-PP-C-6; Matthew Telford, S/N SG-DESV-A; Daniel Wheeler & Sandra McDonald, S/N H-LB-138; Dennis Fowler, S/N AV-AVR-3-42; Village Bank/Progressive Real Estate, S/N SG-ASC-38-A-RD and S/N SG-ASC-39-A-RD
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Application for Beer/Business License: Spanish Trail Supply (attached)

**Actions of the Washington County Planning Commission Meeting / None**

**MOTION:** Motion by Commissioner Drake to Approve the Consent Agenda with the Exception of the Application for Property Tax Abatement of Gloria Jensen, S/N SG-SUP-18-30, Which shall Be Considered as the First Item on the Regular Agenda. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**MOTION:** Motion by Commissioner Eardley to Deny Application for Property Tax Abatement for Gloria Jensen, S/N SG-SUP-18-30, as it Does Not Qualify. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**VOLUNTEER OF THE MONTH / CAROL HOLLOWELL**

No presentations were made today.

**PURCHASE REQUESTS / MARK BLANCH: NONE**

**CONSIDERATION OF ORDINANCE NO. 2012-1017-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 1, CHAPTER 14, AND SECTION 2, AND ADDING SUBSECTION CW, IN ORDER TO DEFINE AND DESIGNATE THE BOUNDARIES OF ELECTION PRECINCTS WITHIN THE TOWN OF APPLE VALLEY**

Deputy Washington County Attorney Eric Clarke explained that this is basically a housekeeping item. Recently, an ordinance was passed by the Commission revamping all election precincts in Washington County based on the census numbers of last year. However, that ordinance omitted reference to the Town of Apple Valley. This ordinance corrects that omission.

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2012-1017-O, An Ordinance Amending And Superseding Washington County Code Title 1, Chapter 14, And Section 2, And Adding Subsection Cw, In Order To Define And Designate The Boundaries Of Election Precincts Within The Town Of Apple Valley. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1629, A RESOLUTION APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND WASHINGTON COUNTY ALLOWING WASHINGTON COUNTY LAW ENFORCEMENT OFFICERS TO ACT AS "CUSTOMS OFFICERS"**

Washington County Sheriff Cory Pulsipher said that this Memorandum of Understanding (MOU) assists the Sheriff's Office in its fights against drugs and gangs in the County. The MOU gives local officers enforcement authority under Title 19, which is the Customs Enforcement Act. The salient portions of Title 19 deal with international gangs, bulk cash from illegal drug trade, child pornography, and other illegal activities.

The Washington County Sheriff's Office has already been working with local Immigration and Customs Enforcement (ICE) agents, and this MOU grants the authority to local officers to take appropriate law-enforcement actions in the absence of the ICE officers.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1629, A Resolution Approving The Execution Of A Memorandum Of Understanding Between U.S. Immigration And Customs Enforcement And Washington County Allowing Washington County Law Enforcement Officers To Act As "Customs Officers". Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1630, A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN WASHINGTON COUNTY AND THE U. S. DRUG ENFORCEMENT AGENCY REGARDING WASHINGTON COUNTY LAW ENFORCEMENT COOPERATION WITH FEDERAL OFFICERS IN REGARD TO MARIJUANA GROW SITES IN SOUTHERN UTAH**

Sheriff Pulsipher said that this agreement is profitable for Washington County in that the DEA has assisted in the eradication of marijuana grow sites and has resources that are not available to the local law enforcement agencies. The current group doing the grows is actually a huge cartel that is very well organized and active in many different states – California, Utah, Nevada, Wisconsin, and Louisiana, among others. The DEA has historically contributed to the costs that are associated with eradicating marijuana grows, and this letter of agreement funnels some of the funding available through the state back to a local level. Specifically, one hundred and fifty thousand dollars (\$150,000) will be

reimbursed to Washington, Kane, and Iron Counties for their costs, particularly the payment of overtime pay to the officers of various local agencies.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1630, A Resolution Approving A Letter Of Agreement Between Washington County And The U. S. Drug Enforcement Agency Regarding Washington County Law Enforcement Cooperation With Federal Officers In Regard To Marijuana Grow Sites In Southern Utah. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

### **COMMISSIONERS' REPORT**

Commissioner Gardner reported on a recent effort by three environmental groups (Wilderness Society, Wildland Council, and the Center for Biological Diversity) for an additional 1.7 million acres on the Arizona Strip and the Grand Canyon Watershed have national monument designations. It also calls for the elimination of livestock grazing and protection of the old-growth forests. Such an action would freeze the availability of all natural resources in a huge area, which represents the majority of land in the Arizona Strip that has not already been designated as a monument. Most of the economy generated by the Arizona Strip benefits Washington and Kane Counties. The Commission intends to move forward in opposition to this effort.

Of additional interest is the advent of Project November, a code name for the Family Dollar Store, which will open its distribution center in the Fort Pierce Industrial Park. The warehouse is estimated to cost upwards of eighty million dollars (\$80,000,000) and will provide about three hundred and fifty (350) to four hundred and fifty (450) jobs. In the past year, three (3) other employers have opened businesses in Washington County (Litehouse Foods, \_\_\_\_\_, and Sorensen Communications). Unemployment figures in the County have dropped from ten point one percent (10.1%) to seven point nine (7.9%).

### **PUBLIC WORKS OR ROAD BUSINESS**

Public Works Director Ron Whitehead updated the Commission on its current projects. Permits and clearances are being obtained for the Federal Highways work project on Old Highway 91. Also, his office is working with the City of Enterprise on obtaining the necessary easements to do some bank armoring but is having difficulty getting the local residents to provide those easements.

### **COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request a Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:27 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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ALAN D. GARDNER  
CHAIRMAN